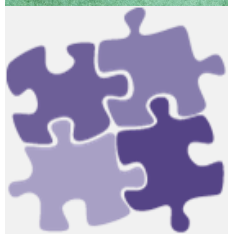
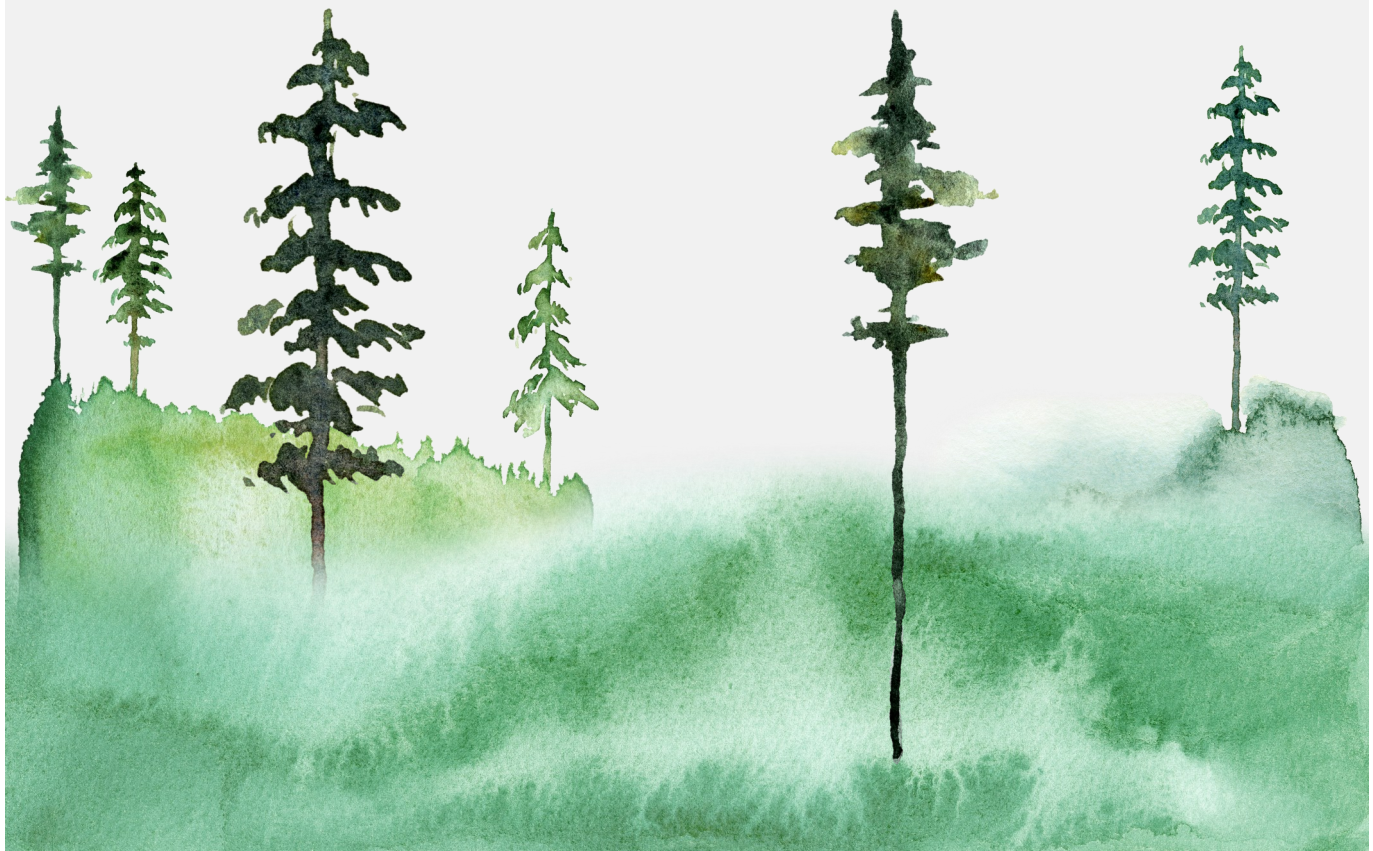


# ADDRESSING SEXUAL HARASSMENT & ASSAULT IN REMOTE WORK CAMPS



EMPLOYER'S RESOURCE



NORTHERN SOCIETY FOR  
DOMESTIC PEACE

## Funders of This Manual

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Women and Gender Equality Canada



Government  
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Canadian Women's Foundation



Wetzinkwa Community Forest Foundation



## Resources and Supports

Northern Society for Domestic Peace: 1-877-633-9933 ~ [domesticpeace.ca/camp](http://domesticpeace.ca/camp)

BC 211 ~ [bc211.ca](http://bc211.ca)

Ending Violence Association BC: 604-633-2506 ~ [endingviolence.org](http://endingviolence.org)

Sharp Workplaces Legal Clinic (not for employers) ~ 1-888-685-6222

Sharp Workplaces: [sharpworkplaces@endingviolence.org](mailto:sharpworkplaces@endingviolence.org)

VictimLink: 1-800-563-0808 ~ [victimlinkbc.ca](http://victimlinkbc.ca)

Women Against Violence Against Women: 604-255-6344

[bc-malesurvivors.com](http://bc-malesurvivors.com)

Crisis Line: 1-888-562-1214

Kuu-us Crisis Line: 1-800-588-8717

Suicide Hotline: 1-800-784-2433

Trans Care BC: 1-866-999-1514

Legal Aid BC: 1-866-577-2525

## Introduction

### Who is Northern Society for Domestic Peace?

The Northern Society for Domestic Peace (NSDP) is a non-profit organization dedicated to developing, delivering and supporting programs that provide opportunities for individuals and families to strengthen their relationships and the quality of their lives by fostering respect, challenging violence and promoting health and self-determination. For over 30 years NSDP has been providing services to the communities of Northwest British Columbia. Currently NSDP hosts a variety of counseling programs for men, women and children; runs women's transitional and second stage housing; operates a pregnancy outreach centre; and develops outreach and awareness-raising projects. Please visit [www.domesticpeace.ca](http://www.domesticpeace.ca) to learn more.

### Who is CAMP?

Since 2018, NSDP has been working in partnership with northern BC reforestation companies to address sexual harassment and assault in remote workplaces through a project called the Camp Assault Mitigation Project (CAMP). The CAMP team develops tailor-made, educational presentations for workers and management on workplace sexual harassment and assault. They travel to bush camps, present virtually, and attend meetings and conferences to open up the conversation and facilitate discussion on sexual violence in these spaces. Over the years CAMP has answered the call for increased support and education through the development of resources targeted to companies and workers. Additionally, NSDP continues to provide on-call support for companies who are in need of resources or are trying to manage incidents in camp and for workers who need crisis support.

### Why CAMP Made This Manual?

Over the years NSDP and the CAMP team have provided seasonal and year-round support to companies and workers as they navigate difficult issues around gender-based and sexual violence. Through this work, the CAMP team and NSDP counseling staff are sometimes challenged with difficult questions around best practices for addressing incidents, managing perpetrators and supporting victims in these unique workplaces. Frequently, when questions around legalities and ethics arise, the answers are not straightforward and must take into consideration the complexities of remote work camp environments and individual circumstances. The CAMP team approaches this work and these ongoing conversations through a trauma-informed and victim-centered lens but is unable to fully address questions and requests for support that require legal expertise. Through collaboration with companies, workers, industry, and a labour lawyer, CAMP was able to identify recurring topics that are often found to be confusing or requiring further information. While this manual is not intended to replace legal counsel, it can aid in answering some commonly asked questions and providing additional guidance on creating safer workplaces.



## How to Use This Manual

This manual was prepared by the Northern Society for Domestic Peace. This manual was developed in conjunction with legal counsel and contains practical and legal information. This information is not legal advice and does not replace the need for legal counsel. The manual is based on BC law, and legislation varies across provinces and territories.

This manual was prepared for employers, managers, and supervisors in tree-planting and other remote camp workplaces. It is a resource to support proactive efforts to foster safety in camps and reduce the prevalence of sexual harassment, sexual assault, and sexual violence. While the ultimate best practice might be to adopt all of our suggestions, this may not be practical for each company. The manual is intended to set out a range of options for industry employers to implement.

## Why Should You Use This Manual?

### 1: Prevalence of the Problem in the Industry

In 2019 and 2020 the Northern Society for Domestic Peace hosted surveys of the reforestation industry asking tree planters, supervisors, cooks, foremen, owners etc. about their experiences with sexual harassment and assault in the industry. The column on the right contains a few sample questions asked in the survey.

Within the survey, respondents had an opportunity to anonymously share their personal experiences with sexual harassment or sexual assault. Through this venue, NSDP collected dozens of stories from victims/survivors who had been sexually assaulted while working in tree planting camps. It is important to note that the vast majority of the survey respondents had worked in recent seasons - these weren't old stories from a bygone era of forestry.

### 2: Industry Risk Factors

Remote camp settings can be challenging for victims/survivors as well as for camp employers when it comes to preventing and investigating sexual harassment and sexual assault, and there are many factors about this unique workplace that contribute to the issue.

Geographic isolation can increase risk. Many tree planters are young adults away from their home support networks, some for the first time. Depending on the camp location, there may be limited internet and cell phone services, which can prevent workers from reaching out to their friends and family back home. Additionally, workers are building new social networks quickly, forming tight bonds and socializing with people that they may not yet know well or be able to fully trust. Unfortunately, the isolation of camps can also be a vulnerability that perpetrators of sexual violence can take advantage of and it often exacerbates situations.

Bush parties and binge drinking can increase risk. The majority of sexual assault stories that came out of the industry surveys involved parties and substance use. Intoxication should never be used to excuse perpetrators for their behaviour or blame victims, but it is important to recognize that this can significantly increase the risk of sexual harassment and assault.

The seasonal nature of the work combined with informal hiring practices can make it easier for newcomers to get into the industry and for planters to change companies and camps as needed. But they also open doors for serial perpetrators of harassment and assault to continue with their behaviours relatively unchecked. Additionally, many planters have indicated that "highballers" have historically been given a pass on bad behaviours. As well, these industries remain male-dominated, which statistically, increases the risks of sexual harassment in the workplace.

### 3: Employer Responsibilities/Liabilities

Employers are responsible for ensuring a healthy and safe workplace, per WorkSafe BC. This includes taking proactive steps to protect workers' physical and mental health. Workplace sexual harassment, sexual violence and sexual assault (collectively, "sexual misconduct") are safety issues. Employers are required by WorkSafe BC to have a policy to address bullying and harassment, and to train workers on this policy.

Employers are also required by the BC *Human Rights Code* to maintain a workplace free from discrimination and harassment, including sexual harassment. While the *Code* does not mandate any specific prevention steps, if an employee experiences sexual harassment, sexual assault or sexual violence at work, a complaint can be made to the BC Human Rights Tribunal. Victims of sexual misconduct at work can also file lawsuits in court against individual perpetrators and employers.

Vicarious liability is a legal concept that frequently comes up in sexual harassment. What that means is even if an employer is not aware that workplace sexual harassment is happening, they are still held responsible for the conduct and the harm caused.

**How many times have you witnessed or experienced sexual assault or sexual harassment in the industry?**

0 times: 14 %  
1-5 times: 24 %  
10-20 times: 9 %  
20+ times: 10 %

To break this down further we asked how many times have you:

Witnessed Harassment \*  
1-5 times = 41%  
5-10 times = 22%

Experienced Harassment \*  
1-5 times = 41%  
0 times = 41 %

Witnessed Assault \*  
1-5 times = 54%  
0 times = 23%

Experienced Assault \*  
0 times = 67%  
1-5 times = 29%

(\* top answers)

**If you experienced sexual harassment or sexual assault how would you like your report to be handled by management?**

- Seriously/Professionally
- Sensitive/Discreetly
- Management should have training
- Stern warnings
- Immediate responses
- Detailed Investigations
- Termination of Perpetrator
- Management often perpetrators
- More women in management
- Don't prioritize highballers
- Zero tolerance policies
- Don't make excuses for it

(\* top answers)

**In terms of sexual violence/harassment, how safe do you feel in camp on a scale of 1-10 (10 being very safe)?**

The average response was 5.5





## VICARIOUS LIABILITY

Even if an employer is not aware that workplace sexual harassment is happening, they are still held responsible for the conduct and the

## CHECKLIST FOR A COMPREHENSIVE RESPONSE

- ☐ Leadership and Inclusion
- ☐ A Common Language
- ☐ Sexual Violence Policy
- ☐ Sexual Violence Protocol
- ☐ Confidentiality and Information Sharing
- ☐ Disclosure & Reporting Options
- ☐ Protection Provisions
- ☐ Accommodations for Victims
- ☐ Provision & Coordination of Services
- ☐ Training & Education

## ADDITIONAL SAFETY MEASURES TO TAKE IN CAMPS

Alert camp management to look out for potentially concerning behavior

Increase education and conversation in your camps of workplace harassment and assault

Let workers know at time of hire that they may be suspended from camp if there are sexual harassment or assault concerns (for safety of everyone in camp)

In addition to legal risk and resulting financial costs, sexual misconduct at work creates many other risks for employers. This includes risk of negative media/social media attention and reputational damage, recruiting and retention challenges, and of course the moral cost of the extraordinary harm to victims.

## 4: Other Stakeholders and Risks

Employers don't only owe duties and responsibilities to victims, but also to alleged perpetrators and others in the workplace. In some situations, the employer may be faced with competing risks and duties to consider.

Rumours are one example of a situation where employers are faced with a weighing of risks. Rumoured sexual misconduct in an employer's camp must be investigated, but what should an employer do if there are rumours about an employee or supervisor's sexual misconduct at a previous employer's camp, or elsewhere outside of the scope of the workplace? Aside from asking the employee who is the subject of the rumour, it will be difficult or impossible for an employer to investigate in this situation.

What are the risks if the employer decides to fire the employee or not hire them based on rumours? The employee subject of the rumours could sue for wrongful dismissal, and possibly defamation if the employer tells others about the rumours or reason for firing. There could also be the basis for a human rights complaint based on sex discrimination, depending on the facts.

What are the risks if the employer decides to hire or keep the employee at camp despite the rumours? If sexual harassment, sexual assault or sexual violence take place at camp, the risks are as set out above in the [Employer Responsibilities/Liabilities](#) section.

This is a situation where the employer has difficult decisions and weighing of risks. Employers are recommended to investigate rumours as much as possible before acting on them. They can ask the subject of the rumours the reasons why they left prior employment. They can call prior employers to ask for a reference (see the [reference section](#) later in this manual for more recommendations about giving and getting references).

## 5: Benefits to an Accessible Internal Process

As the saying goes, an ounce of prevention is worth a pound of cure. A well-drafted and accessible internal process for preventing and addressing workplace sexual assault can not only prevent sexual assault through education, but can also reduce the impact on victims and remove dangerous perpetrators from the industry hiring pool. This supports camp work as a safe and desirable role for all individuals, regardless of their age, sex, gender or orientation.

An accessible internal policy creates transparencies and builds confidence and trust in management and employers and can provide clear instructions for management who are faced with handling an incident of sexual harassment or assault in camp. A workplace functions most smoothly when everyone knows their role, the scope of their duties, and the resources that they can access should problems arise. The back of this manual contains a template for a stand alone, sexual harassment and assault policy.



## Sexual Harassment Basics

To address the problem of sexual misconduct in camps, it is important to name and define the conduct we are talking about.

**Sexual Harassment** is defined by law as: “*unwelcome conduct of a sexual nature that detrimentally affects the work environment or leads to adverse job-related consequences for the victim.*”

To break that down:

“*unwelcome conduct*” does not mean that the victim has to protest, fight back or say no. In each circumstance we consider whether a reasonable person should have known the conduct was unwelcome.

“*of a sexual nature*” can cover a wide spectrum of conduct, from jokes or comments with sexual content or relating to gender, to sexual assault and rape.

“*detrimentally affects the work environment or leads to job-related consequences for the victim*” can cover a range of harm, from feeling uncomfortable or embarrassed, to being fired or forced to quit, to being physically harmed.

Workplace sexual harassment must have some connection to the workplace, but this is not defined by physical boundaries. Something that happens at a location outside of camp, but has some connection to work, can also be considered workplace sexual harassment. For example, if two workers drove into town to get supplies, and sexual harassment occurred while they were off-site, it is still considered workplace sexual harassment.

**Sexual Violence** related to the workplace is one form of sexual harassment. Sexual violence is very serious and includes any sexual act committed without a person’s consent. Sexual violence can be committed by someone against a stranger but can also be committed by someone against a friend or intimate partner. The act does not have to be physical to be violent.

Examples of sexual violence include rape or sexual assault, unwanted touching, sexual exploitation and watching someone in a private act without them knowing. \*\*

**Sexual Assault** has a broad definition in *Canada’s Criminal Code* as an assault that is sexual in nature. Assault is defined as when a person:

- (a) without the consent of another person, he applies force intentionally to that other person, directly or indirectly;
- (b) he attempts or threatens, by an act or a gesture, to apply force to another person, if he has, or causes that other person to believe on reasonable grounds that he has, present ability to effect his purpose; or
- (c) while openly wearing or carrying a weapon or an imitation thereof, he accosts or impedes another person or begs.

**Consent** is defined in the *Criminal Code* as: the voluntary agreement to engage in the sexual activity in question.

This means that every person involved in a sexual activity has to voluntarily agree to be engaged in the specific sexual activity. If someone has consented to sexual activity in the past, that does not mean they have consented to all future sexual activity with that person. Also, anyone has the right to withdraw their consent at any time. Even if they have started to engage in a sexual activity with someone, they have the right to change their mind and stop the activity any time after it has started.

Consent is not always clear and if it is not, it is important and necessary to check in and see if the other person is consenting. Consent can be communicated through words and clear

### EXAMPLES OF SEXUAL HARASSMENT

Invading personal space

Using sex-specific derogatory names, homophobic/transphobic slurs, or jokes

Comments about a person's physical characteristics or mannerisms, hot or not lists etc.

Sexually propositioning a person, or repeatedly asking someone out after they have said no

Rough or vulgar language related to gender

Spreading sexual rumours, "outing" or threatening to out someone

Threatening to penalize a person who refuses to comply with sexual advances.

Refusing to refer to someone by their self-identified name or pronoun

Circulating or posting of homophobic, transphobic, derogatory, pornographic, or offensive material

### EXAMPLES OF SEXUAL ASSAULT

Penetration of a body part by another body part or object

Contact with intimate body parts

Exposure of intimate body parts

**\*\* Companies and camps have a responsibility to ensure workers have access to a reasonable amount of privacy in showering, dressing and sleeping quarters.**

statements, but it is often communicated through more subtle conduct. Someone's silence or passivity (engaging in the sexual activity, but not actively or enthusiastically) is not consent. Factors beyond verbal cues must be considered when determining if someone is consenting to sexual activity, including; body language and power imbalances.

If someone says or does something to state or show that they are not consenting or are withdrawing their consent, there is no consent. This could include someone gently or forcefully saying "no" to the activity, moving the other person's hand away from their body, not actively responding to or reciprocating kissing or touching, or trying to leave the situation.

**Some other situations where there is no consent are:**

- Someone is incapable of consenting to the activity because, for example, they are heavily intoxicated or unconscious.
- Someone's position of power, trust, or authority undermines the voluntariness of consent of others. This comes up a lot in workplaces when, for example, a manager or supervisor engages in sexual activity with an employee.
- Someone consents on someone else's behalf. This could come up, for example, if someone tells their friend that a third person wants to have sex with them. The third person has to be the person giving consent on their own behalf.

## **i. Power Imbalances and Consent**

When considering consent or whether conduct is "unwelcome" it is critical to take into account power dynamics. This is most stark when there is a supervisory or management relationship. If one of the people involved in sexual conduct or comments is the supervisor or manager of the other worker(s) involved, there is a very high standard expected to ensure that the conduct is truly welcome and consent is voluntary. The subordinate worker may feel pressured to go along with the sexual conduct because of the power imbalance.

Power differentials can also be found in other workplace relationships. For example, if one worker has more seniority or experience in camp. In some workplaces, high producing or high performing workers can also benefit from a power position. They may be allotted certain privileges or employers may place higher value on them and therefore intentionally or unintentionally overlook bad behaviours. Additionally, workers who have been at the company a long time, have a lot of friends in camp or are connected to managers in some way can also be considered in positions of advantage or power.

Workers in remote camps are in a vulnerable position, so it is very important that steps are taken to determine whether sexual conduct is welcome.

## **ii. Alcohol & Drugs and Consent**

When someone's judgement is clouded by drugs and/or alcohol, their ability to consent is also affected. It is not strictly illegal to engage in sexual activity with someone who is intoxicated, but a lot of care and concern should be used to ensure that they are freely deciding to engage in the sexual activity and would consent to it even if they were not under the influence. If it is uncertain whether or not they are thinking clearly, it is best to wait until all parties are sober.

According to surveys conducted by the Northern Society for Domestic Peace, many of the reports of sexual assault at tree planting camps involve drugs and alcohol. These substances can impact not only someone's ability to give consent, but also the choice of someone to proceed with sexual activity without consent of the other person. Being intoxicated is not a defence to sexual assault and a sexual assault conviction is possible even if the person was intoxicated at the time of the assault.

**Signs that drug or alcohol impairment are compromising someone's ability to consent:**

Slurring, changes in tone or language  
Loss of coordination, stumbling, clumsiness  
Sleepiness, drowsiness or "passing out"  
Loss of inhibitions, changes in behavior  
Feeling unwell or sick

Vicarious liability applies to hold employers responsible for all workplace sexual misconduct, which could include nights off in camp, and situations where alcohol and drugs are used at camp. Dry camps are one way to reduce this risk for workers and employers. (See also: *Types of Policies—Drugs and Alcohol*)

## Pre-hiring & Hiring

Hiring and pre-hiring are key opportunities to set a culture of safety. Carefully considering who you bring into camp and setting clear expectations about safety at all points in the hiring and onboarding process are easy, inexpensive, and proactive steps you can take to prevent Sexual Misconduct in camp.

Make safety from Sexual Misconduct a core job responsibility. Safety should be a common thread that runs through all of your pre-hire and hiring communications.

### 1: Employment Contracts/Offers

Written employment contracts or job offers can support safety at camp and offer some protection from liability for employers. Employment contracts can limit employer liability and set contractual obligations, but they also ensure that there is mutual understanding about expectations. A full review of employment contract best practices is beyond the scope of this manual, but some recommendations and considerations to support safety from sexual harassment, assault and violence include:

#### i. Statement of Principle

In either the preamble or body of an employment contract or offer, employers can include a statement of principle about safety from Sexual Misconduct. This puts the issue front and centre from the start of the employment relationship. A sample statement of principle is below.

Safety is at the core of our work at ABC Co. This includes safety from sexual harassment, sexual violence and sexual assault at our camps. ABC Co. expects everyone at camp to proactively protect safety by addressing and reporting any misconduct, including as bystanders, and by following our [Policy Name], which is attached to this offer.

#### ii. Policy

The employer's policy on sexual harassment, sexual assault and sexual violence at camp should be attached to the offer or contract and having employees sign the contract confirms that it was provided to them. Employers should ensure that the policy is reviewed regularly in camp meetings. Check out the Model Policy included with this manual for a sample.

#### iii. Consequences

Contracts or offers can also state expressly what the consequences of misconduct will be. This could be part of a statement of principle, or elsewhere in the contract. The contract can address both administrative suspensions pending investigations and an eventual disciplinary response. Sample wording could be:

Any allegations of sexual harassment, sexual assault or sexual violence at camp ("workplace sexual misconduct") will be taken seriously and investigated. Any employee alleged to have engaged in workplace sexual misconduct may be temporarily removed from camp and suspended without pay, pending an investigation. Any employee found to have engaged in workplace sexual misconduct may be terminated for just cause.

#### iv. Job Descriptions

One way in which an employer can set expectations prior to hiring is to emphasize workplace safety in its job descriptions and job postings. Job descriptions for all levels of workers can include as a core job responsibility promoting a workplace free from sexual misconduct, and particular duties that could meet that responsibility.

For supervisors, job duties should include *proactively* addressing workplace violence and sexual assault (i.e. ensuring that they are overseeing employee behavior, checking-in with employees regularly, and are open to complaints or concerns) as opposed to *passively* (i.e., waiting for a complaint to come forward before taking action) promoting security and safety at camp.



## 2: Background Check Policy/Process

Increasing due diligence checks before hiring employees to work in camps is another way employers can proactively create safe camps. We outline below a number of options for due diligence on new and returning hires and encourage you to implement some or all of them into your process.

### i. Police Information Check

In British Columbia, employers used to be able to ask for criminal record checks on employees, which included information on prior criminal convictions. These are no longer offered by police services and instead, police information checks are now offered. These checks include information about criminal convictions, findings of guilt under the *Youth Criminal Justice Act*, outstanding charges, warrants, orders, peace bonds and probation and prohibition orders, and conditional or absolute discharges.

Employers in private industries cannot force a candidate or employee to get a police information check. The candidate or employee must consent to the check and also has to contact the police department directly to obtain one. Once the check is complete, it is given directly to the employee, and it is up to the employee to share it with their employer or not.

Police information checks are quite intrusive and should be used only when necessary. For example, they should only be requested after completing an initial review of the suitability of a candidate for the job. This means that you should not ask for a check before or during an interview, but after you have decided you would like to hire the candidate.

Police checks should be used sparingly because they can reveal private information about employees that has no bearing on their ability to safely work with others. Organizations have to follow the laws in BC's *Personal Information Protection Act*, which require them to collect personal information only for the purposes that a reasonable person would consider appropriate in the circumstances and that

- (a) fulfill the purposes that the organization discloses (to the individual), or
- (b) are otherwise permitted under this Act.

This means that before asking for a police information check, employers must tell the candidate or employee why they are asking for that information. If the person has more questions, they must be given contact information for someone they can ask.

The benefit to checking a candidate's police information is that employers can see whether they have committed offences that may make them a threat to other employees. In the context of work camps, it would provide the opportunity to see if someone has been charged with or convicted of sexual harassment or assault.

A danger in basing employment decisions on the result of a check is that it puts companies at risk of violating the BC *Human Rights Code*. The *Code* prohibits discrimination on the basis of criminal convictions unrelated to employment/prospective employment. If an employer does obtain a police information check from a potential employee, they should assess any convictions in relation to the nature of the position they would be hired to do. If, for example, a candidate has been convicted of theft under \$5,000, a camp-based company trying to protect employees from sexual violence should consider whether there would be any actual risk in hiring that person.

### ii. References

Asking for references, and contacting those references is a simple and effective way to do at least some basic due diligence before hiring. Many employers skip this step and pay the price later. Some references may feel uncomfortable with answering questions about discipline history and problematic behaviour, as they do not want to accidentally give information that could be defamation or spreading rumours. One great question to ask is "Would you hire/admit the candidate again, if you had the chance?" Anything but a "yes" can be a red flag to ask further questions or do more screening. Some further recommended questions to ask references are in the side box.

#### REMINDER!

A police check only functions to alert you to workers who have had interactions with police or the courts. The majority of sexual assaults or misconduct are never reported. Therefore, a police check by itself is not sufficient in screening for people who may commit violence in camp. Police checks should be used in conjunction with additional screening measures.

#### QUESTIONS TO ASK REFERENCES:

Whether the information listed on the applicant's resume is accurate

Their disciplinary history

Their ability to work with others

Would you hire them again

Any safety concerns involving the candidate

When asked to give a reference for a former employee, you might encounter a situation where someone who worked for your company was accused of sexual harassment or assault while working for you. Whether a complaint was filed or you were made aware of the accusation through a disclosure, rumors, or gossip, this is information that you may want to pass on to potential future employers of the accused person.

If you are asked to provide a reference for someone you truly believe committed sexual assault or harassment, whether or not the assault or harassment happened while the person was employed by your company, you can likely pass on this information safely during a reference check as long as you do so in a factual manner and without malice.

In Canada, it is illegal to defame people. This means that you cannot spread false rumours or pass on information about people that would hurt their reputation. That said, even if a court finds that information spread by someone was defamatory, the person will not be liable for the defamation if what they said was true and/or the person believes the statement is true and there is a social benefit that comes from their sharing it in good faith.

If a company truly believes it is likely that a former employee engaged in sexual assault or harassment, sharing this information with a potential future employer could provide a significant social benefit by protecting other employees from assault and harassment.

If the company is relying only on rumours, this in itself does not mean that the negative reference is malicious. As long as the receiver of the information believes the rumours, they are likely safe to share this information in a carefully worded way.

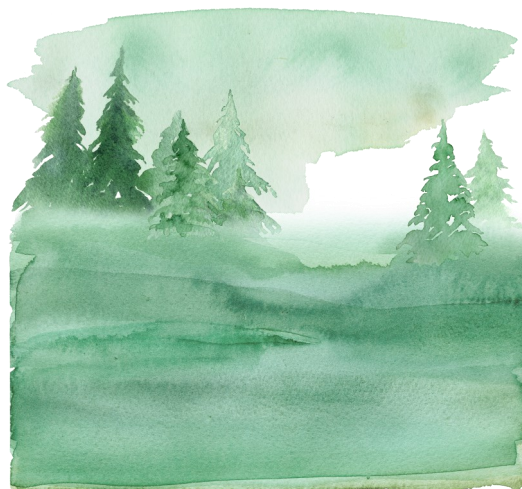
It is illegal for an employer to give a negative reference if it is based on a ground protected by the *Human Rights Code*. The protected grounds are race, colour, ancestry, place of origin, religion, marital status, family status, physical or mental disability, sex, sexual orientation, gender identity or expression, Indigenous identity and age. This means that, for example, you cannot give a negative reference stating that an employee made others uncomfortable in the camp because of their sexual orientation or race.

### **iii. Employment/Education Verifications**

One simple and inexpensive way to screen a potentially problematic employee is to complete an employment and education verification. This can be as simple as asking for references, and following up with those references to confirm key information about the candidate. You can also ask for diplomas or specific references in addition to the ones offered by the candidate.

### **iv. Identity Verification**

Another simple and inexpensive way to do some basic due diligence is to request copies of photo identification for verification. If they refuse to provide any identification, or if their identification does not match up with their stated name for an unexplained reason (ie. it is not a nickname, or it is not a name change after marriage or other legal name change), this may be a flag for further investigation and questioning. One basic way to ensure that camp is safe is to confirm that all workers in the camp are truly who they say they are.



## v. Social Media Check

Some free tools that many employers use to gather information on applicants are Google, Facebook, or other social media searches. Some employers also search the applicant's name through "Court Services Online" to review any past criminal charges for free. Employers should be careful to take the information, especially information from unverified social media sites, with a grain of salt. Relying on unverified information found online can lead to bad decisions, and could possibly result in a human rights complaint if the information found relates to the person's protected human rights grounds, like family status or disability. Balanced against this risk is if information is found suggesting the person could create a risk for safety at camp, it is much easier and less risky not to hire them in the first place than to remove them from camp later.

## vi. Rumours (see also: *Social Media Check*, above)

Similar to social media checks, while listening to rumors about a candidate can be a useful starting point to assess an applicant's suitability, employers should be careful solely relying on rumours to inform themselves of a candidate's background and past offences. If there is a way for the employer to reasonably investigate the rumour, while protecting the privacy of all involved, this is recommended.

# 3: Interviews

## i. Questions

An interview is a great opportunity to assess the applicant's attitudes toward safety at camp. Employers should consider asking the applicant about their views on sexual harassment and assault in camp, their understanding of their role in preventing camp sexual harassment and assault, and how they intend to foster a safe and secure camp work environment. Red flags could include downplaying the negative effects of sexual or gender-based violence, or demonstrating a lack of commitment to fostering a safe environment. See sample questions in side bar.

Another function of interviews is to make it clear from the outset that safety from Workplace Sexual Misconduct is a core value of the company and a core job expectation. This can be demonstrated by asking questions about these issues but also by speaking with candidates at the interview about the company's commitment to safety.

## ii. Reinforce Expectations

While the planting season may only last a few months, employers ought to reinforce the expectations of employees and supervisors regarding what kind of behaviour is continuously expected in camp. This is to say that conversations regarding sexual assault should not happen only once at the beginning of the season, then never again. Employers should consider having mid-point check-ins (or more frequent check-ins) to confirm that its employees are safe, comfortable, and aware of their duties to promote a safe environment. Camps should have sexual and gender-based violence information and support resources on hand for workers and promote and normalize dialogue on the issues whenever possible. The majority of respondents to Northern Society for Domestic Peace's survey indicated they thought education and training on sexual harassment and assault should take place in every camp, every season.

(See also: *Checking in on camps – Proactive steps*).

## QUESTIONS TO ASK IN INTERVIEWS:

Have you ever witnessed sexual harassment?

Tell us about it.

What did you do or what could you have done?

If it happened in the workplace was there something you thought the company should do?

What do you think is the role of a worker if they witness sexual harassment or a sexual assault at camp?

Which approaches to intervention would you feel the most comfortable using if you witnessed sexual harassment or assault?

What proactive steps can be taken by people working in camps to prevent sexual violence?



## At Camp – Proactive Safety Strategies

Once employers have done their best to hire for safety, they should continue to communicate clear expectations for safety from Workplace Sexual Misconduct in the lead up to camp and at camp.

### 1: Policies (See also: *Statement of Principle/Policy*)

Why have policies?

Some policies are required by law, including a policy about bullying and harassment, which is mandated by WorkSafe BC. Required by law or not, policies are a clear and effective tool to communicate expectations. Policies regarding Workplace Sexual Misconduct, and related issues, are intended to influence behaviour and reduce the prevalence of these issues at camp. Policies can also be used to support discipline or dismissal of people who violate them. Finally, policies can increase transparency in reporting and investigation procedures.

### 2: Types of Policies

#### i. Sexual Harassment, Discrimination and Assault Policy

A stand alone sexual harassment and assault policy is the most important proactive tool to address Workplace Sexual Misconduct. Companies should have a policy that is separate from regular bullying and harassment and respectful workplace policies, as the situations, impacts, and consequences for the parties involved are very different with sexual harassment and assault. A sample policy can be found at the end of this booklet, which you can edit and make your own. The policy is intended to meet the requirements of WorkSafe BC.

#### ii. Fraternization Policies

Employers may also consider a non-fraternization policy between supervisors and their subordinates, which places the onus on the supervisor to refrain from any intimate or romantic relationships with the workers they supervise. This can serve to protect vulnerable workers from a relationship where there could be a harmful power imbalance, where the employee is afraid to say “no” to someone who has power over their job duties, comfort in camp and their re-hire. This type of policy can also dissuade predatory supervisors who may hire workers based on their age, gender, or appearance with the intention of commencing a sexual or intimate relationship with them. (See also: *Power Imbalance*)

#### iii. Drug & Alcohol

Drugs and alcohol are substances that can impair the ability to control emotions, properly perceive situations and assess risks, make decisions, and control reactions and motor functions. There is a clear link between Workplace Sexual Misconduct in remote camps and the consumption of drugs and alcohol. Employers can consider having a drug and alcohol policy that places limits on the consumption of drugs and alcohol at camp or camp related events. If drugs and alcohol are consumed, an employer may wish to assign a “dry supervisor” who abstains from drugs or alcohol and supervises the behaviour of those that do, so they can step in if there is a safety risk, or so they can serve as a sober witness should something harmful happen. Ideally this person has First Aid training and can drive a company vehicle.

Dry camps are increasingly common, and it is legal for an employer to set a policy that drugs and alcohol are not permitted at camp at all. Employers should be mindful that there is a requirement to accommodate employees with drug or alcohol addictions as a human rights issue, if that is raised. There is no requirement to accommodate recreational use.

#### iv. Off-duty Conduct

In some circumstances, an employer can be liable for an employee’s off duty conduct, including sexual harassment, sexual assault or sexual violence if there is some connection to the workplace. Employers can consider implementing an off-duty conduct policy that discusses the application of other workplace policies to off-duty conduct, and the potential employment consequences.





### 3: How to Implement Policies

#### i. Communication Strategies

Policies are not worth the paper they are printed on unless everyone knows about them and understands them and managers are willing to enforce them. One effective strategy is to attach key policies to employment offers for sign-off as part of the acceptance of the job. This is the strongest way to introduce a policy, since it becomes part of the employee's contract.

Whether or not policies are provided with the offer, they should also be reviewed regularly with workers at camp. This could be part of daily or weekly crew talks or as a separate meeting. Employers should keep records of dates when policies were reviewed and who was present so they can prove that someone was aware of the policy in the event of a breach. Sign-off on policies is the best way to prove that someone was aware of the policy. Document retention is essential and copies can be kept on site or at a head office.

#### ii. Training

To maximize the power and usefulness of a policy, training is critical. Training on the bullying and harassment policy is legally required by WorkSafe BC. At a minimum, when policies are reviewed, there should be an opportunity for questions and discussion. Even better is training that explains the purpose and importance of the policy, and includes workshops, conversation or other educational components that complement the policy.

### 4: Checking in on Camps – Proactive Steps (see also: *Reinforce Expectations*)

Even if an employer has done a great job of screening applicants, making safety from Workplace Sexual Misconduct central through interview questions, contract language, policies and training, it is not “one and done.”

Check-ins should be done by a supervisor or other person with authority, and can be done through brief and informal one-on-one conversations, or through written reviews submitted by employees. An employer should encourage having employees initiate check ins with supervisors should any issues arise, and should provide a safe and unbiased space for offering feedback and discussing problems. Check ins should be done as frequently as is practically possible - weekly or monthly for short-term, seasonal camps.

It may sound strange, but if Workplace Sexual Misconduct is raised by a worker, it can be a positive sign. This likely means that the worker trusts the company to deal with the issue fairly and sensitively. It can also be an indicator that the company is creating an environment where workers feel safe and comfortable to bring up these issues. This is an opportunity for the company to show that these complaints will be taken seriously and to reinforce a culture of safety. The alternative to a complaint is that the victim doesn't feel safe coming forward, the incident is not reported, and a potential abuser remains unchecked.

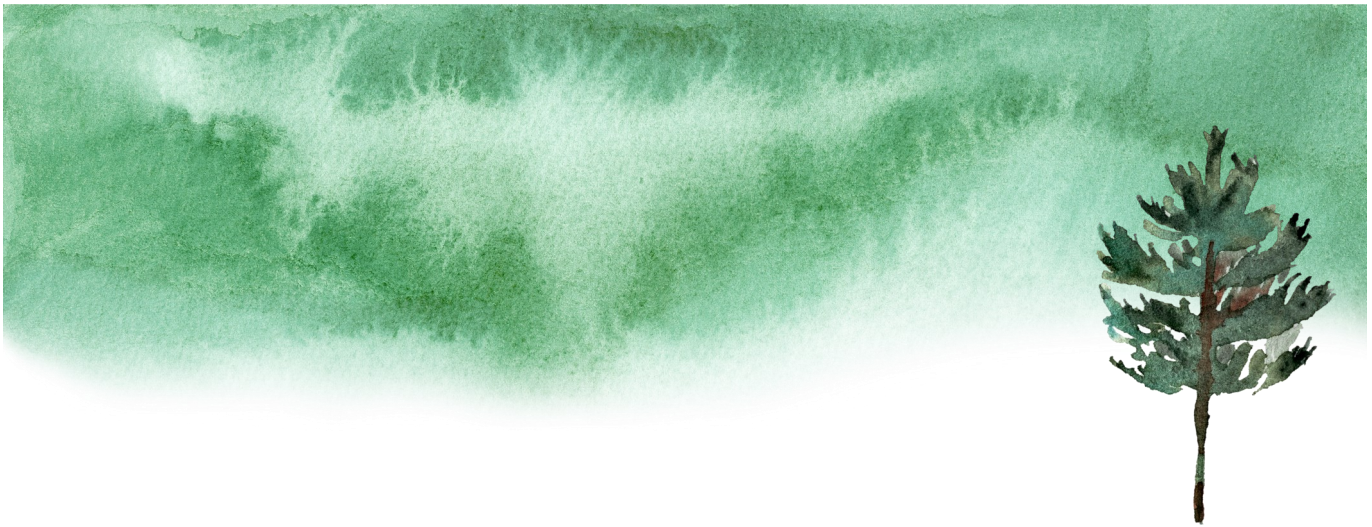
## Complaints

### 1: Nature of the Complaint?

Investigations must be proportionate to the seriousness of the allegation. Accordingly, the employer must assess the nature of the complaint before determining what process it ought to take to correct the issue. (See also: *Investigations*, and *Resolutions*) Regardless of what process it chooses, an employer should ensure that its response to the complaint is timely, and made without delay.

### 2: Credibility

When weighing evidence and considering credibility of parties and witnesses, an investigator should consider the test for credibility as described by our courts: “...the real test of the truth of the story of the witness in such a case must be its harmony with the preponderance of the probabilities which a practical and informed person would readily recognize as reasonable in that place and in those conditions...” [emphasis added] *Farnya v Chorny*, [1952] 2 D.L.R. 354. Determinations should be made to the civil standard, of a “balance of probabilities” (what is most likely to have occurred) and not to the criminal standard of “proof beyond a reasonable doubt”.



### **3: Who is Reporting? Considerations**

#### **i. Anonymous**

Anonymous complaints are challenging, but can be very important. An employer may find it difficult to fully investigate anonymous allegations. The perpetrator may not know who the complainant is, and may not be able to properly respond to whether the allegation happened as described. An employer should respectfully encourage the anonymous complainant to come forward, and let the complainant know that the anonymity may impede a fair and fulsome investigation.

#### **ii. Witness**

A witness of a sexual assault may come forward on a victim's behalf. If this occurs, the employer/investigator ought to take a witness statement, then discuss the incident privately with the victim in question. Should the victim not wish to come forward, the employer must still investigate the incident, but may be limited in what actions it can take without having all the facts readily at hand. Special care should be given in investigating incidents in which the victim did not come forward or is not aware of the investigation to ensure their confidentiality and safety is protected. Keep in mind that those who witnessed a serious incident may need supports or services as well.

#### **iii. Victim**

The victim of a sexual assault may come forward to make a complaint. Should this happen, the employer/investigator ought to take a trauma-informed approach in gathering the victim's statement, on the victim's own terms. It is recommended that management who are tasked with taking reports, doing investigations or acting as support workers should have trauma-informed training. Support workers should be trained in victim-centred approaches to supporting employees who seek their help.

Often, victims of sexual assault, due to the way traumatic memories are stored in the brain, are not the most coherent or clear historians. Their statement may be fragmented, emotion-focused, sparse, or at odds with other statements or stories told. Further, a victim's story may not align with common misconceptions regarding sexual assault. For example, a victim may not recall resisting, or a victim may delay reporting. These reactions do not render a victim any less credible, and do not detract from a victim's trauma.

The employer should allow the victim a sense of control and transparency in the investigation process. This means carefully walking the victim through what will happen in the process from complaint intake, to documentation, to investigation, to potential outcomes. Where possible, victims should be given choices as to where meetings will take place and allowed to relate their evidence as they feel most comfortable. This approach will take longer than a list of pointed questions, but will minimize the harm done. Being as transparent as possible (without sacrificing the need for a full and fair investigation) gives the victim a sense of agency and support, and bolsters other victims to come forward as well.

#### **iv. Perpetrator**

In some instances, the perpetrator of a sexual assault may come forward. The employer ought to take the perpetrator's statement carefully, and ought to address the matter with the victim in a gentle and supportive way. The perpetrator may need to be re-questioned once the other witnesses provide their statements, to address anything the perpetrator did not discuss during their initial report.

## **v. Police**

The victim of a sexual assault may, for whatever reason, feel more comfortable going directly to the police instead of to the employer through internal means. Should this occur, an employer is required to comply with a police warrant and should ensure that no evidence is tampered with or destroyed. Evidence includes (but is not limited to) internal documentation, reports, or investigations.

## **vi. Lawyer**

As with the police, a lawyer for the victim may address the issue of a victim's sexual assault with the employer first. Should this occur, the employer ought to strongly consider retaining their own counsel prior to communicating with the victim's lawyer. Anything said to the lawyer could form the basis of the lawyer's evidentiary record, to the employer's detriment. Further, the employer should ensure that no evidence is tampered with or destroyed, as a legal process may be beginning.

## **vii. WorkSafe**

Victims of Workplace Sexual Misconduct may also report directly to WorkSafe BC. This may be the basis of a claim for wage loss benefits, for example if they had to take time off or leave camp because of the impact on their health. WorkSafe BC will ask whether the incident was reported to the employer, and if it was reported, they will ask the employer for records of its investigation.

If the matter was not reported, or there has not been an employer investigation, then WorkSafe may conduct its own investigation.

Victims can also report Workplace Sexual Misconduct, or an employer's failure to have a policy or deal with a complaint appropriately, to the WorkSafe BC prevention division. This is not a claim for wage loss benefits, but a report of an unsafe workplace. WorkSafe BC may investigate and issue orders to ensure compliance with WorkSafe requirements.



## **4: Privacy & Confidentiality**

Victims of sexual assault may feel shame, embarrassment, or other negative emotions rooted in cultural stigma surrounding what it means to be a person who experienced sexual assault. Accordingly, a victim may not wish to come forward in the event of a sexual assault, or may attempt to place conditions on their compliance with an investigation. For example, a victim may wish to remain anonymous, or a victim may not want the employer to conduct an investigation. An employer ought to be careful in promising unconstrained anonymity and confidentiality to a witness or party.

The employer's primary goal of an investigation is to conduct a fair, fulsome and unbiased investigation. When the investigation is in regard to a sexual assault, an employer may wish to take special considerations into account in its investigation of witnesses, for example, taking a trauma-informed approach to questioning, or allowing a support person to sit with the victim as they provide their evidence.

Regardless of the approach taken, the employer ought to manage the reporting person's expectations regarding privacy and confidentiality before they provide their evidence. The employer ought to notify them of the limits of privacy legislation, and their duty to comply with authoritative bodies such as the police or the courts should they also wish to investigate.

## **i. Victim's Rights – Access to Investigation Materials and Report**

Typically, a victim is entitled to know the outcome of an investigation. This will include, at minimum, a list of the specific allegations made and whether each was found to be “substantiated” or “not substantiated.” In most cases, parties to a complaint are not provided the report or investigation materials. These often contain personal information about others in the workplace. Where a victim makes a legal claim, unless an investigation has been conducted by legal counsel and is covered by solicitor-client privilege, it will probably be ordered to be disclosed. Victims may also make requests for reports under privacy legislation. Employers should get legal advice before releasing information.

As part of a trauma-informed process, a victim may be permitted to have a support person in the room with them as they provide their statement. This support person should not be another potential witness, as it may affect their testimony. If a support person is allowed, the victim and employer should consider and discuss how having a support person impacts their desire for confidentiality. Investigators can not also fill the role of support person.

## **ii. Confidentiality of Process to Others at Camp**

During or after an investigation, other employees who are aware of the incident may be curious about an update on the status of the investigation, and may feel concerned about their safety or the safety of their colleagues. The message provided to the employees in such an event should be limited to protect the victim’s safety and privacy and the accused’s right to privacy. The message should also not disclose any information regarding any ongoing investigation findings, as what is disclosed may affect the evidence to be provided by other witnesses.

The employer should also encourage employees to not spread unfounded rumours, as this may result in negative backlash and legal implications. A sample statement is located below:

### **Sample Statement**

We are currently investigating a possible safety situation between two people at camp that has been brought to our attention. We take safety seriously and cannot comment further as we are protecting the privacy of those involved. We have done a risk assessment and taken steps to ensure camp safety is maintained during this investigation. Out of respect for your coworkers, we ask that you refrain from discussions or speculations about what is happening. If you have questions or concerns, please direct them to [specific person’s name].

## **iii. Third Parties**

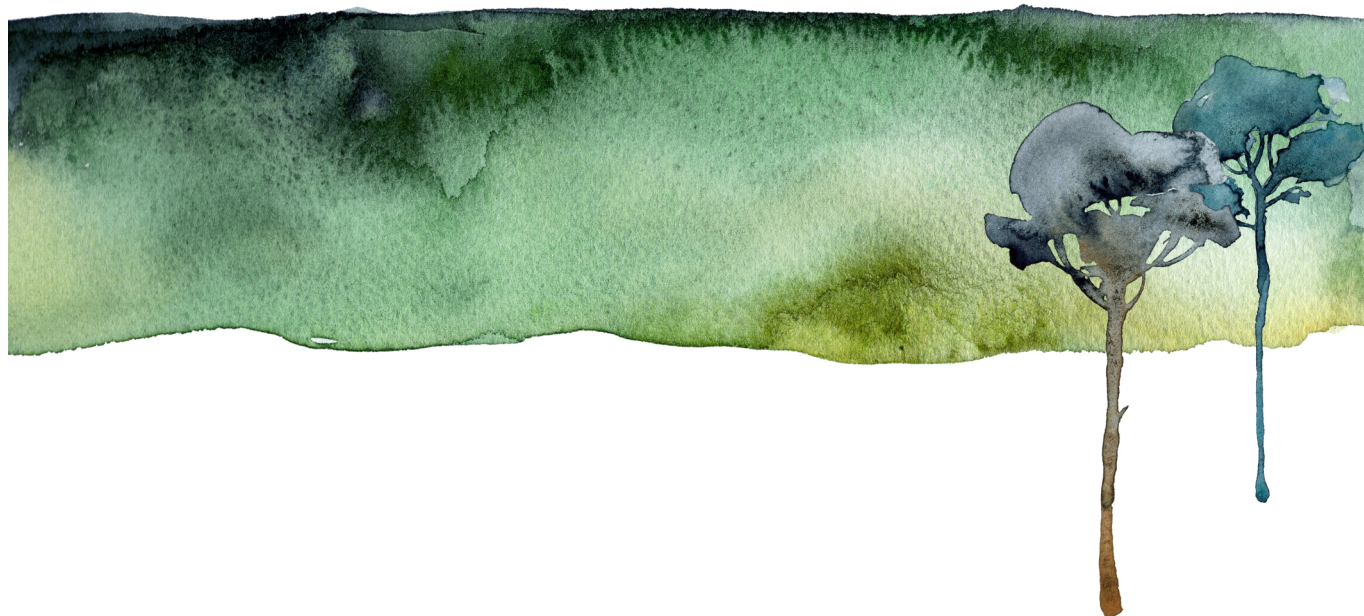
An employer may have a duty to report workplace injuries to WorkSafe BC in the event of Workplace Sexual Misconduct. This should be done using the WorkSafe BC forms and maintaining the maximum amount of privacy for workers.

Other parties who the employer is not required to inform may nonetheless be informed. If a complaint of Workplace Sexual Harassment is made, it may be in the employer and workers’ best interest to canvas other employees, so any other victims have the opportunity to come forward. This should be done with protection and respect of the victim’s privacy.

Employers may also want to engage specialized experts to support the victim or others in camp, including victim services, counselling centres, mental health professionals and medical doctors.







## 5: Investigations

Employers, upon receiving a complaint regarding sexual harassment or sexual assault, ought to take steps to document and investigate the matter promptly. Prior to commencing the investigations, the employer ought to consider who should investigate (internal investigation, or hire an external investigator), how an investigation should be conducted (trauma-informed approach, who should be in the room during the investigation, formal or informal), who else should be contacted (police, or WorkSafe BC), what should happen to the alleged perpetrator while the investigation is ongoing (administrative or disciplinary leave), and what type of discipline is warranted.

### i. Formal Investigations

A formal investigation may be required, depending on the seriousness of the allegation (i.e., an offhand comment vs a threat or physical touch), the personality of the victim and the alleged perpetrator, the number of people involved, and the number of instances involved in the allegation.

A formal investigation ought to include the gathering of evidence from all parties involved and all witnesses, the assessment of credibility, findings made on inconclusive evidence, a final report inclusive of a discussion of the findings, a decision, and a plan of action.

Depending on the outcome of the formal investigation the employer may decide that an employee or employees may need to be terminated immediately to protect other employees in camp. The employer should put in place a safety plan to protect the victim or witnesses from retaliation from the perpetrator or coworkers aligned with the perpetrator. This safety plan should be communicated to anyone who might be at risk or responsible for the plan.

The employer may also wish to provide resources to the employee, for example, counselling, arranging for transportation to police or a medical clinic, or allowing the employee to take a paid leave.

### ii. Informal Investigations

An informal investigation may be suitable if an allegation is minor. This could be as simple as speaking to the alleged perpetrator about their conduct. Outcomes of informal investigations could involve written warnings or reminders to the individuals of applicable workplace policies and standards, an apology or a mutual agreement between the parties to rules of communication or conduct at work. If there is only a verbal discussion, careful notes should be made and retained in case of a repeat incident.

Informal approaches should be assessed on a case-by-case basis, with the victim's preferences and safety in mind.

## 6: Document Collection/Retention

After the investigation is complete, regardless of whether the investigation was formal or informal, there ought to be some form of documentary record of the complaint, the evidence gathered, the corrective steps taken, and the result.

## After Camp

### **i. Document – any reports, incident, prepare for references**

After the camp season is complete and all workers have gone home, an employer should take stock of the season, and review reports, incidents, and any actions that need to be taken for the following season. If an investigation is ongoing, they should ensure that they have all contact information for witnesses so they can complete the investigation.

After reviewing and organizing employee and investigation files, an employer should consider who will be re-hired, who will not, and what references will be provided if requested.

### **ii. Hire/Re-hire List – unsubstantiated but worrisome reports**

Some allegations of misconduct may be unsubstantiated by investigation, due to witness non-compliance or insufficient evidence, but may still be worrisome. An employer should consider developing a carefully worded internal hire/re-hire list that provides guidance to the following year's hiring managers or supervisors. An employer may consider having a "potential re-hire" column that documents such unsubstantiated but worrisome allegations, so the employer may make the final call when the time comes to re-hire.

### **iii. Exit Interview/Survey – anonymous**

One positive step the employer can take to make each season safer than the next is to conduct formal or informal exit interviews. Exit interviews are open discussions with a departing employee and their employer where feedback is requested regarding the employer's workplace, any colleague issues, any safety concerns, and whether the employee would consider coming back, and if not, why. The exit interview can also take the form of an emailed survey, which could be anonymous, where employees may be more open to sharing concerns.

An employer should note that if an allegation of Workplace Sexual Misconduct is made during the exit interview, they should document and investigate the complaint as much as they are able with the information that they have, always keeping in mind the safety and confidentiality of the victim, especially if it wasn't the victim that noted the incident in the survey/exit interview.

An exit interview also allows the employer one final chance to screen out potentially troublesome workers from returning to camp.



## Workplace Sex Discrimination, Sexual Harassment and Sexual Assault/Violence Policy

[Employer name] provides a workplace free from discrimination, bullying, and harassment. This includes freedom from sex discrimination, sexual harassment, sexual assault and sexual violence. Employees, and all those visiting our camps must be treated with respect and will not be discriminated against based on sex, sexuality, gender identity or the grounds listed in the *BC Human Rights Code*.

Sex discrimination, sexual harassment, sexual assault and sexual violence will not be tolerated, and all employees are expected to support camp safety by addressing and/or reporting any concerns or conduct.

While many situations can be addressed through education or informal resolution, if we determine that an employee has engaged in or perpetrated sex discrimination, sexual harassment, sexual assault or sexual violence, whether intentional or not, appropriate disciplinary action may be taken. Disciplinary action will be proportionate to the circumstances, up to and including dismissal for cause in serious cases and could include reporting to RCMP/police.

What is sex discrimination, sexual harassment, sexual assault and sexual violence?

**Sex Discrimination** is when someone is treated differently or unfairly because of their sex, sexuality or gender identity and suffers negative consequences at work because of any of the prohibited grounds listed in the *BC Human Rights Code*, which currently include:

Race	Family status
Colour	Physical or mental disability
Ancestry	Sex
Place of origin	Sexual orientation
Political belief	Gender identity or expression
Religion	Indigenous identity
Marital status	Criminal or summary conviction unrelated to

Examples of sex discrimination include assigning tasks or roles to someone based solely on sex or gender, making comments about someone's sex or gender or personal pronouns, favouring someone or preventing someone from being hired or promoted based on sex or gender.

**Sexual Harassment** is unwelcome conduct or comments of a sexual nature that negatively impact the work environment or lead to adverse job-related consequences.

Sexual harassment can take a wide range of forms including unwelcome workplace banter/jokes of a sexual nature, unwelcome comments about a person's appearance, gender or sexual orientation, stalking, spreading rumours of sexual nature, prolonged staring or leering, sharing sexually inappropriate material, sexual suggestive texts, emails, social media posts etc. These are just a few examples.

Power imbalances and reporting structures are important to consider when determining consent. Relationships between supervisors and subordinates must be approached with extreme care by the supervisor and reported to [Employer name] to avoid conflict of interest. (*Consider a non-fraternization policy for supervisors and subordinates*).

Even well-intended jokes or compliments can be humiliating or intimidating to others at work and may result in discipline. This can be especially true of comments by a manager to those they supervise. Put yourself in the other person's shoes and avoid comments or actions that have any potential for being misinterpreted.

Sex discrimination, sexual harassment or sexual assault and violence do not have to be intentional to be against the law and/or against [Employer name]'s policy.

### What is Not Sexual Discrimination or Sexual Harassment?

Not every instance of inappropriate, offensive, or disrespectful comments or conduct is sexual discrimination, harassment or assault. We all take a misstep once in a while, and we do not always agree with others at work. Bullying and harassment do not include the following:

- expressing differences of opinion in a respectful manner,
- offering constructive feedback, guidance or advice about work-related behaviour
- managing an employee's performance, taking reasonable disciplinary actions or assigning work, or
- making a good faith complaint about another employee's conduct through established procedures

## Sexual Assault and Sexual Violence

Sexual assault and sexual violence is a form of sexual harassment, and includes any sexual act committed without a person's consent. The act does not have to be physical to be violent. Sexual violence can be committed by someone against a stranger, but can also be committed by someone against a friend or intimate partner. Examples of sexual violence include attempted or actual rape or sexual assault, unwanted touching, sexual exploitation and watching someone in a private act without them knowing. Sexual violence includes any threatening statement or behaviour of a sexual nature towards an employee which gives the employee reasonable cause to believe they are at risk of injury or harm. Attempted assaults, actual assaults, or threats (either by co-workers or by others at work) can be a very serious form of discrimination, bullying and/or harassment.

**Consent** is defined in the *Criminal Code* as *the voluntary agreement to engage in the sexual activity in question*. This means that every person involved in a sexual activity has to voluntarily agree to be engaged in the specific sexual activity. If someone has consented to sexual activity with someone else in the past, that does not mean they have consented to all future sexual activity with that person. Also, anyone has the right to withdraw their consent at any time. Even if they have started to engage in a sexual activity with someone, they have the right to change their mind and stop the activity any time after it has started.

If someone says or does something to state or show that they are not consenting or are withdrawing their consent, there is no consent. This could include someone gently or forcefully saying "no" to the activity, moving the other person's hand away from their body, not actively responding to or reciprocating kissing or touching, or trying to leave the situation.

In order to give consent a person must be:

Sober Informed—have an understanding of what they are consenting to Legal age of consent in Canada — currently 16 years old Enthusiastic and willing Not under pressure or acting in fear
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## Employer/Employee Obligations

As an employer, **[Employer name]** must:

- ensure the health and safety of its employees; and
- take steps to prevent and address sex discrimination, sexual harassment, sexual assault and violence, including providing education, training, communication, and reporting and support resources/contacts

Employees must:

- not engage in conduct that includes sex discrimination, sexual harassment, sexual assault or violence in the workplace,
- address or report sex discrimination, sexual harassment, sexual assault or violence if it is observed or experienced; and
- apply and comply with this policy at all times.

**[Employer name]** encourages all employees to be active in ensuring that we have a respectful workplace. If you see something that you believe violates this policy, speak out about it.



## What to do if You Observe or Experience Sex Discrimination, Sexual Harassment or Sexual Assault

If you are sexually harassed or assaulted or believe you have been discriminated against in the workplace, or if you observe sex discrimination, sexual harassment or sexual assault/violence at work, promptly follow this procedure:

- Speak directly to that employee and explain that their actions are inappropriate, and you would like the offensive behaviour to stop. This may resolve the issue.
- If you are unable, uncomfortable or feel unsafe speaking directly to that employee or if the inappropriate behaviour continues after speaking to them, then notify **[manager/supervisor]**.
- If your complaint is regarding a manager or supervisor or you are not comfortable or feel unsafe speaking to them about your particular complaint, then report the matter directly to **[HR or other appropriate internal person]**. *(Include here any other internal reporting systems available. Ex: an anonymous safe camp email)*

Supervisors or managers who observe sex discrimination, sexual harassment, sexual assault or sexual violence should take immediate action to stop it and promptly notify **[HR or other appropriate internal person]**.

All complaints of sex discrimination, sexual harassment, sexual assault or sexual violence are strictly confidential, except for disclosures reasonably required to address and investigate the matter, including any investigation or disclosures required by law. To ensure the integrity of the complaint process and investigation, employees should not discuss complaints made under this policy with others in the workplace. Those receiving reports or disclosures should be clear on any limits to confidentiality that may apply.

## Formal Complaints and Investigations

### Informal Resolution

Incidents of sex discrimination and sexual harassment may be resolved informally. This can include discussions with both parties (separately or together), written statements of expectations or a mediation. In most cases, informal resolution will be attempted before proceeding to a formal investigation.

If **[Employer name]** is unable to resolve the complaint on an informal basis within a reasonable period of time, or if the matter is very serious or involves a sexual assault or violence, then you have the option of making a “formal complaint.” Employees are requested to fill out the complaint form that is attached as Schedule “A” to this policy if possible and to keep written accounts of incidents and submit them with their formal complaint. Formal complaints of sex discrimination, sexual harassment, sexual assault or sexual violence may be investigated. Informal resolution may still be explored at any point.

**[Employer name]** may also initiate a Formal Complaint investigation if they determine that a matter is serious and reasonably likely to constitute sex discrimination, sexual harassment or sexual assault/violence.

Investigation of a Formal Complaint involves the following steps:

- An appropriate internal employee to **[Employer name]**, or a third party investigator will be assigned to the complaint (the “Investigator”).
- The Investigator will meet with the accuser to get a formal statement including specific examples of inappropriate conduct or statements attributed to the accused.
- The Investigator will meet with the accused to address general and specific concerns/statements and get their side of the story.
- There may be a need for the Investigator to speak with other employees as witnesses, which will be at the Investigator’s discretion. The Investigator will keep confidential written notes of these meetings. All witnesses will be reminded that this is a confidential matter and it should not be discussed with anyone, including the accused or the accuser.
- The Investigator may also review other evidence such as emails, text messages, handwritten notes, photographs or physical evidence.

- The Investigator will communicate the results of the investigation to **[Employer name]** who will then advise the accuser and the accused of the outcome and any next steps.
- All parties will be reminded that any retaliation on any employee will not be tolerated.

Retaliation against an employee for making a complaint of sex discrimination, sexual harassment or sexual assault/violence or for assisting in a complaint investigation undermines a culture of respect and is prohibited. Retaliation may result in discipline up to and including dismissal for cause.

It is expected that an employee will keep a written account of any incidents to submit with their complaint. **[Employer name]** will keep a written record of any investigation findings.

This policy applies to all employees, including permanent, temporary, casual, contract, and student workers. It applies to interpersonal and electronic communications. This policy will be reviewed **[every year]** and will be posted in the **[location of posted policy]** so that it is accessible to all employees.

**[Employer name]** uses its best efforts to create a workplace free from sex discrimination, sexual harassment, sexual assault and sexual violence to ensure that all complaints are handled in an appropriate, proportional and fair manner. Please contact **[key contact position title]** if you have any questions or concerns about our Respectful Workplace Policy.

Implementation Date:

Last Reviewed:

I confirm that I have read and understood the **[Employer name]** Respectful Workplace Policy:

\_\_\_\_\_  
Signature of Employee

\_\_\_\_\_  
Name of Employee

\_\_\_\_\_  
Date

## Schedule “A” Formal Complaint Form

**Name and contact information of complainant:**

**Name of person who allegedly violated the Respectful Workplace Policy:**

### Personal Statement

Please describe in as much detail as possible the discriminatory or harassing incident(s), including:

- the names of the parties involved
- any witnesses to the incident(s)
- the location, date, and time of the incident(s)
- details about the incident(s) (behavior and/or words used)
- any additional details that would help with an investigation

Attach any supporting documents, such as emails, handwritten notes, or photographs.

Physical evidence can also be submitted.

Signature

Date

